



House of Representatives

General Assembly

File No. 509

January Session, 2015

Substitute House Bill No. 5087

House of Representatives, April 8, 2015

The Committee on Planning and Development reported through REP. MILLER, P. of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MUNICIPAL CHARTER REVISION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-190 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) Within thirty days after such action has been initiated by vote of
4 the appointing authority or by certification of a petition, the
5 appointing authority shall by resolution appoint a commission
6 consisting of not fewer than five nor more than fifteen electors, not
7 more than one-third of whom may hold any other public office in the
8 municipality and not more than a bare majority of whom shall be
9 members of any one political party, which commission shall proceed
10 forthwith to draft a charter, or amendments to the existing charter, or
11 amendments to the home rule ordinance, as the case may be.

12 (b) The appointing authority shall direct the commission to consider
13 those recommendations included in the petition and may make other

14 recommendations to the commission. The commission may also
15 consider other items for inclusion in the proposed charter, other
16 changes to the charter or home rule ordinance and such other items as
17 it deems desirable or necessary. The commission shall in its reports
18 comment on each recommendation which it has been directed to
19 consider, if any, and on such other changes or items. The appointing
20 authority shall specify by resolution when the commission shall
21 submit its draft report, which shall be not later than sixteen months
22 from the date of its appointment.

23 (c) On and after the effective date of this section, the appointing
24 authority shall appoint a commission, in accordance with the
25 procedure set forth in subsection (a) of this section, to review the
26 charter or home rule ordinance, as applicable, in its entirety once every
27 ten years. If the commission determines that such charter or home rule
28 ordinance requires amendment, the commission shall prepare a draft
29 report summarizing any such amendments. Any such proposed
30 amendments shall be subject to the procedure set forth in subsections
31 (a) to (g), inclusive, of section 7-191, as amended by this act. The
32 appointing authority shall specify by resolution when the commission
33 shall submit the draft report required pursuant to this subsection,
34 which shall be not later than sixteen months from the date of its
35 appointment.

36 ~~[(c)]~~ (d) The commission shall terminate upon acceptance or
37 rejection of its final report by the appointing authority.

38 Sec. 2. Section 7-191 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective October 1, 2015*):

40 (a) The commission shall hold at least two public hearings on the
41 proposed charter, charter amendments or home rule ordinance
42 amendments; one prior to the beginning of any substantive work on
43 such charter, charter amendments or home rule ordinance
44 amendments, and one after the draft report to the appointing authority
45 has been completed, but not submitted, after which hearings the
46 commission may amend such report. The commission may hold such

47 other public hearings as it deems necessary.

48 (b) The commission shall submit its draft report, including the
49 proposed charter, charter amendments or home rule ordinance
50 amendments, to the clerk of the municipality, who shall transmit such
51 report to the appointing authority. The appointing authority shall hold
52 at least one public hearing on the draft report and shall hold its last
53 hearing not later than forty-five days after the submission of the draft
54 report to such clerk. Not later than fifteen days after its last hearing,
55 the appointing authority shall make recommendations to the
56 commission for such changes in the draft report as it deems desirable.

57 (c) If the appointing authority makes no recommendations for
58 changes in the draft report to the commission within such fifteen days,
59 the report of the commission shall be final and the appointing
60 authority shall act on such report. If the appointing authority makes
61 recommendations for changes in the draft report to the commission,
62 the commission shall confer with the appointing authority concerning
63 any such recommendations and may amend any provisions of the
64 proposed charter, charter amendments or home rule ordinance
65 amendments, in accordance with such recommendations, or the
66 commission may reject such recommendations. In either case the
67 commission shall make its final report to the appointing authority not
68 later than thirty days after receiving such recommendations.

69 (d) Not later than fifteen days after receiving the final report, the
70 appointing authority, by a majority vote of its entire membership, shall
71 either approve the proposed charter, charter amendments or home
72 rule ordinance amendments or reject the same or separate provisions
73 thereof. Not later than forty-five days after a vote of the appointing
74 authority to reject such matter, a petition for a referendum thereon,
75 signed by not less than ten per cent of the electors of such
76 municipality, as determined by the last-completed registry list thereof,
77 and filed and certified in accordance with the provisions of section
78 7-188, may be presented to the appointing authority. Not later than
79 thirty days after approval by the appointing authority or the

80 certification of such a petition (1) the proposed charter shall be
81 published in full at least once in a newspaper having a general
82 circulation in the municipality, or (2) the portion of the charter or home
83 rule ordinance being amended shall be published at least once in a
84 newspaper having a general circulation in the municipality with a
85 notice that a complete copy of the charter or home rule ordinance and
86 amendment is available in the town clerk's office and that a copy shall
87 be mailed to any person who requests a copy. The town clerk shall
88 mail or otherwise provide such copy to any person who requests a
89 copy.

90 (e) The appointing authority shall, by a majority vote of its entire
91 membership, determine whether the proposed charter, charter
92 amendments or home rule ordinance amendments shall be submitted
93 to the electors for approval or rejection at a regular election or at a
94 special election warned and held for that purpose, which shall be held
95 not later than fifteen months after either the approval by the
96 appointing authority or the certification of a petition for a referendum.

97 (f) The proposed charter, charter amendments or home rule
98 ordinance amendments shall be prepared for the ballot by the
99 appointing authority and may be submitted in the form of one or
100 several questions; and, if approved by a majority of the electors of the
101 municipality voting thereon at a regular election or if approved by a
102 majority which number equals at least fifteen per cent of the electors of
103 the municipality as determined by the last-completed active registry
104 list of such municipality at a special election, such proposed charter,
105 charter amendments or home rule ordinance amendments shall
106 become effective thirty days after such approval unless an effective
107 date or dates are specified therein, in which event the date or dates
108 specified shall prevail.

109 (g) Not later than thirty days after the approval by the electors of
110 any proposed charter, charter amendments or home rule ordinance
111 amendments, the town or city clerk shall file, with the Secretary of the
112 State, (1) three certified copies thereof, with the effective date or dates

113 indicated thereon, and (2) in the case of the approval of charter or
114 home rule ordinance amendments, three certified copies of the
115 complete charter or ordinance incorporating such amendments. The
116 Secretary of the State shall distribute two copies, whether tangible or
117 intangible in form, to the State Library, where a file of such charters,
118 charter amendments and home rule ordinance amendments shall be
119 kept for public inspection.

120 (h) The municipal legislative body may make minor and technical
121 revisions to the charter or home rule ordinance without following the
122 procedure set forth in subsections (a) to (g), inclusive, of this section
123 provided such revisions are deemed minor and technical by a two-
124 thirds majority vote of such legislative body.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	7-190
Sec. 2	October 1, 2015	7-191

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
All Municipalities	Savings	Minimal	Minimal

Explanation

The bill allows any municipality to make minor and technical revisions to its charter without taking certain steps currently required by law.

There is a savings to municipalities associated with revising their charters without having to hold public hearings or holding referenda. The savings is associated with reduced printing and advertising costs. As municipalities often hold referenda in conjunction with general elections, any savings is estimated to be minimal.

The provision requiring municipalities to appoint a commission to review their charters once every ten years has no fiscal impact. The bill does not require municipalities to provide any funding for such commissions.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the cost of reviewing municipal charters.

OLR Bill Analysis**sHB 5087*****AN ACT CONCERNING MUNICIPAL CHARTER REVISION.*****SUMMARY:**

This bill (1) requires each municipality, at least once every 10 years, to appoint a commission to (a) review its charter or home rule ordinance and (b) propose amendments and (2) authorizes municipal legislative bodies to make minor and technical revisions to their charters or home rule ordinances without following the statutory process for amending them.

The bill's provisions apply to towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs. It appears that the provisions also apply to special taxing districts. Existing law allows such districts to amend their home rule charters by following the same statutory procedure as municipalities (CGS § 7-328a).

EFFECTIVE DATE: October 1, 2015

CHARTER OR HOME RULE ORDINANCE REVIEW

Existing law authorizes a municipality to revise its charter or home rule ordinance and specifies the procedure for doing so. Under this procedure, a municipality's appointing authority or voters can initiate the process for revision by resolution or petition, respectively. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. (For special taxing districts, the appointing authority is the board of directors or other governing body.)

Beginning October 1, 2015, the bill requires appointing authorities to appoint a commission, at least once every ten years, to fully review the

municipality's charter or home rule ordinance. Existing law's commission composition requirements apply to commissions appointed pursuant to the bill. Commissions must consist of five to 15 voters, no more than (1) one-third of whom can hold another municipal office and (2) a bare majority of whom can belong to the same political party. By law, a commission terminates after the appointing authority accepts or rejects its final report.

Under the bill, if the commission determines the charter or home rule ordinance requires revision, it must summarize its recommended revisions in a draft report. As is the case under existing procedures for charter or home rule ordinance revisions, the appointing authority must specify by resolution the deadline for submitting the draft report, which cannot be more than 16 months after the commission's appointment. Under the bill, a commission's recommended revisions are subject to existing statutory procedures for charter or home rule ordinance revisions, including public hearing and voter approval requirements (see BACKGROUND).

MINOR AND TECHNICAL CHANGES

The bill authorizes municipal legislative bodies to forgo the statutory process for amending their charters or home rule ordinances when making revisions that are deemed minor and technical by a two-thirds vote of the body. The bill does not define "minor and technical." Presumably, the legislative body can adopt the revisions with a simple majority.

BACKGROUND

Charter or Home Rule Ordinance Revision (CGS § 7-187, et seq.)

Under existing law, when the process for revising a charter or home rule ordinance is initiated, the following procedure applies:

1. The appointing authority must appoint a commission, which must consider any (a) revisions the authority or the petition specifies and (b) other revisions it deems necessary.
2. The commission must hold at least two public hearings on the

proposed revisions before submitting them in a draft report to the appointing authority. After holding at least one public hearing, the authority can recommend changes, which the commission need not accept.

3. Once the commission finalizes its proposed revisions in a final report, the appointing authority must accept or reject all or some of the revisions. Voters (a) can petition for a referendum on rejected revisions and (b) must ultimately vote on the proposal, regardless of whether the appointing authority initially approved it.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 1 (03/20/2015)